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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 DENNIS W. KARIMI,  
12 Petitioner,  
13 v.  
14 LORETTA F. LYNCH, Attorney  
General,  
15 Respondent.  
16

Case No. SACV 16-11 VAP (SS)  
  
ORDER DISMISSING HABEAS ACTION  
  
WITHOUT PREJUDICE

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18 Dennis Wangombe Karimi ("Petitioner"), an immigration  
19 detainee proceeding pro se, has filed a document entitled  
20 "Petition for Writ of Coram Nobis" (the "Petition"). A petition  
21 for a writ of error coram nobis seeks an extraordinary remedy,  
22 but may be available for a foreign national in removal  
23 proceedings to seek dismissal of a fully served conviction that  
24 is the basis for deportation. U.S. v. Chan, 792 F.3d 1151, 1153  
25 (9th Cir. 2015).  
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1           Petitioner does not, however, seek to dismiss his conviction  
2 or even identify his actual conviction. It appears from the  
3 contents of Petitioner's filing that he is not challenging the  
4 legality of his conviction or otherwise claiming to be in custody  
5 in violation of the Constitution or the laws or treaties of the  
6 United States. (See Petition at 1-2). The Court need neither  
7 grant the writ nor order a return if "it appears from the  
8 application that the applicant or person detained is not entitled  
9 thereto." 28 U.S.C. § 2243; see also Rule 4 of the Rules  
10 Governing Section 2254 Cases in the United States District  
11 Courts.

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13           The Petition does not seek habeas relief. Instead,  
14 Petitioner complains about the conditions of his confinement as  
15 an immigration detainee. (See Petition at 1). Petitioner's  
16 claims are difficult to understand, but he complains about access  
17 to a law library and a lack of recreation. (Id.). Petitioner  
18 appears to complain solely about the conditions of his custody,  
19 not the illegality of the detention itself.

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21           Thus, the Court concludes that the jurisdictional requisite  
22 for a section 2241 habeas petition has not been met. See  
23 Crawford v. Bell, 599 F.2d 890, 891 (9th Cir. 1979) ("[T]he writ  
24 of habeas corpus is limited to attacks upon the legality or  
25 duration of confinement."); see also Badea v. Cox, 931 F.2d 573,  
26 574 (9th Cir. 1991) (explaining the distinction between a habeas  
27 action and a civil rights action); Hartman v. Summers, 878 F.

1 Supp. 1335, 1347 n.15 (C.D. Cal. 1995) ("[T]he Ninth Circuit has  
2 made clear that habeas petitions are limited to attacks upon  
3 legality or duration of confinement.").

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5 The Court has also considered whether to ignore the  
6 erroneous labeling of the Petition and construe this pleading as  
7 a civil rights complaint. See Hanson v. May, 502 F.2d 728, 729  
8 (9th Cir. 1974) ("Despite the labeling of his complaint [as a  
9 habeas petition], [the petitioner] was, therefore, entitled to  
10 have his action treated as a claim for relief under the Civil  
11 Rights Act."); Wilwording v. Swenson, 404 U.S. 249, 251 (1971)  
12 ("Petitioners were therefore entitled to have their actions  
13 treated as claims for relief under the Civil Rights Acts  
14 . . . ."). However, there are procedural and pleading  
15 requirements for a civil rights action that are not clear from  
16 the face of the current Petition. Thus, the Court concludes that  
17 the more appropriate course is to dismiss this habeas action  
18 without prejudice.

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4 Consistent with the foregoing, IT IS ORDERED that Judgment  
5 be entered dismissing this action without prejudice. IT IS  
6 FURTHER ORDERED that the Clerk of Court serve a copy of this  
7 Order and the Judgment on Petitioner at his current address of  
8 record.

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10 LET JUDGMENT BE ENTERED ACCORDINGLY.

11 DATED: February 23, 2016

*Virginia A. Phillips*

13 UNITED STATES DISTRICT JUDGE

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15 PRESENTED BY:

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18 SUZANNE H. SEGAL  
19 UNITED STATES MAGISTRATE JUDGE  
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